

SECOND REGULAR SESSION

# HOUSE BILL NO. 1902

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (47).

Read 1<sup>st</sup> time February 12, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3864L.011

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### AN ACT

To repeal sections 8.150 and 537.045, RSMo, and to enact in lieu thereof two new sections relating to the emancipation of seventeen year olds.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 8.150 and 537.045, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 8.150 and 537.045, to read as follows:

8.150. No person shall write or scribble on the walls or other parts of the facilities, or  
2 mark the same with pictures or deface the same in any manner under the penalty of not more than  
3 five hundred dollars to be recovered by civil action, before the circuit court of Cole County, in  
4 the name of the state. If the offense is committed by [a person] **an unemancipated minor** under  
5 the age of eighteen years, [he and his] **such minor and such minor's** parent or guardian, as the  
6 case may be, are liable to the penalty to be recovered as above directed. **For purposes of this**  
7 **section, an emancipated minor includes a person seventeen years of age who, with or**  
8 **without the consent of such person's parents or guardian, does not reside with his or her**  
9 **parents or guardian.**

537.045. 1. The parent or guardian, excluding foster parents, of any unemancipated  
2 minor, under eighteen years of age, in their care and custody, against whom judgment has been  
3 rendered for purposely marking upon, defacing or in any way damaging any property, shall be  
4 liable for the payment of that judgment up to an amount not to exceed two thousand dollars,  
5 provided that the parent or guardian has been joined as a party defendant in the original action.  
6 The judgment provided in this subsection to be paid shall be paid to the owner of the property  
7 damaged, but such payment shall not be a bar to any criminal action or any proceeding against

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

8 the unemancipated minor for such damage for the balance of the judgment not paid by the parent  
9 or guardian.

10 2. The parent or guardian, excluding foster parents, of any unemancipated minor, under  
11 eighteen years of age, in their care and custody, against whom judgment has been rendered for  
12 purposely causing personal injury to any individual, shall be liable for the payment for that  
13 judgment up to an amount not to exceed two thousand dollars, provided that the parent or  
14 guardian has been joined as a party defendant in the original action. The judgment provided in  
15 this subsection to be paid shall be paid to the person injured, but such payment shall not be a bar  
16 to any criminal action or any proceeding against the unemancipated minor for such damage for  
17 the balance of the judgment not paid by the parent or guardian.

18 3. Upon rendering a judgment in any proceeding under this section, the judge may order  
19 the parent or guardian, and the minor who damaged the property or caused the personal injury,  
20 to work for the owner of the property damaged or the person injured in lieu of payment, if the  
21 parent, minor and the owner of the property damaged or the person injured are agreeable.

22 **4. For purposes of this section, an emancipated minor includes a person seventeen**  
23 **years of age who, with or without the consent of such person's parents or guardian, does**  
24 **not reside with his or her parents or guardian.**